

# EXHIBIT H

## TITLE 29

### **§ 6911. Authority and responsibilities.**

(a) The Section shall act as the exclusive contracting agent for all purchases of materiel and nonprofessional services not subject to the small purchasing procedures made by contracting agencies and as outlined in this subchapter and made by 2 or more covered agencies except for lodging and interstate and international travel and except as provided for in subsection (d) of this section.

(b) The Section shall have the following responsibilities for central contracts:

(1) Assembling the bid specification package;

(2) Conducting the advertising, bidding and awarding of each contract;

(3) Resolving disagreements between vendors and agencies;  
and

(4) Assuring that vendors and products meet the requirements of awarded contracts.

(c) Each agency that participates in a central contract shall have the following responsibilities for the materiel or service purchased under that contract:

(1) Providing and approving commodity specifications;

(2) Participating in user groups by requiring that appropriate covered agency staff attend user group meetings, as described in § 6912 of this title; and

(3) Providing information concerning contract effectiveness to the Section.

(d) Covered agencies shall exclusively use central contracts. A covered agency head may exempt the agency from a central contract only when all of the following conditions are met by the covered agency head:

(1) Demonstration that participation in a central contract would negatively impact the operations of the covered agency. However, operations, as used in this subsection, shall not include the fiscal impact to the covered agency;

(2) Demonstration that the covered agency has attempted to negotiate the specifications with the Section prior to the covered agency head exempting the materiel or service; and

(3) Demonstration that the exemption is an exception to the covered agency's use of a central contract rather than a common practice.

Any exemption issued by an agency head under this subsection shall not be a blanket exemption but shall only apply to an individual central contract.

(e) The Administrator of the Section may waive the requirement that a covered agency use a state contract in the event the Administrator deems such a waiver is in the best interest of the State. (70 Del. Laws, c. 601, § 5; 74 Del. Laws, c. 419, § 3; 75 Del. Laws, c. 88, § 22; 75 Del. Laws, c. 89, § 157.)